

Brewer City Council
June 5, 2012

Regular Meeting
City Hall Council Chambers

Tuesday, June 5, 2012
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss.
The city clerk called the roll:

Councilor Ferris	-	present	Councilor Doughty	-	present
Councilor Verow	-	present	Chairman Goss	-	present
Councilor O'Connell	-	present			

Chairman Goss declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

Chairman Goss led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman Goss read the notice for the regular meeting.

TO: Joseph Ferris, Larry Doughty, Arthur Verow, Jerry Goss and Kevin O'Connell
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Tuesday, June 5, 2012 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Jerry Goss
Mayor and Chairman of the City Council

or _____
Majority of the City Council

a true copy, attest: s/Howard F. Kroll
City Clerk

OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	L. Kelly	Ptl.	06/01/12	1710
Larry T. Doughty	D. Lord	Sgt.	06/01/12	1720
Arthur Verow	D. Lord	Sgt.	06/01/12	1715
Jerry Goss	D. Lord	Sgt.	06/01/12	1711
Kevin O'Connell	L. Kelly	Ptl.	06/01/12	1700

CITY COUNCIL REGULAR MEETING
Tuesday, June 5, 2012 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Jerry Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.**
(Mayor Goss)
- A. Minutes of May 1, 2012 Regular Meeting.** (Councilor Verow)
- B. Awards, Petitions and Public Comments.**
 - 1. (2012-B024) RESOLVE, Recognize Michael Viens for Earning the Rank of Eagle Scout. (Councilor O'Connell)
 - 2. (2012-B025) RESOLVE, Recognize Nathalie Perry for Her 31 Years of Service to the City of Brewer.
(Mayor Goss, Councilors O'Connell, Ferris, Verow and Doughty)
 - 3. (2012-B026) RESOLVE, Commend Tim Hackett, Captain Robbie Wildes and Firefighter Kevin Pelotte for Their Lifesaving Actions on March 10, 2012. (Councilor O'Connell)
 - 4. (2012-B027) RESOLVE, Recognize Volunteers and Local Businesses for Their Contributions to the Successful City of Brewer 2012 Streamside Cleanup Program.
(Councilor O'Connell)
 - 5. Public Comments.
- C. Consent Calendar.**
 - 1. (2012-B028) RESOLVE, Approve School Budget Appropriation for Fiscal Year 2013. (Councilor Verow)
 - 2. (2012-B029) RESOLVE, Approve City and School Budgets for Fiscal Year 2013. (Councilor Ferris)
 - 3. (2012-B030) RESOLVE, Approve Regional Vocational High School Operating Budget. (Councilor O'Connell)
 - 4. (2012-B031) RESOLVE, Approve Regional Vocational High School Budget on Adult Education. (Councilor Doughty)
 - 5. (2012-B032) RESOLVE, Approve Water Pollution Control Facility Budget for Fiscal Year 2013. (Councilor Verow)
 - 6. (2012-B033) RESOLVE, Approve Water Department Budget for Fiscal Year 2013. (Councilor Ferris)
 - 7. (2012-A109) RESOLVE, Authorize the Brewer School Department to Expend Such Other Funds That May be Received From Federal or State Grants or Programs.
(Councilor O'Connell)
 - 8. (2012-A110) ORDER, Set Tax Due Date and Interest Rate.
(Councilor Doughty)

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9. (2012-A111) ORDER, Accept Advance Payments on FY2014 Taxes. (Councilor Verow)
10. (2012-A112) ORDER, Set Fiscal Year 2013 Interest Rate for Late Payment of Sewer Bills. (Councilor Ferris)
11. (2012-A113) ORDER, Set Interest Rate Paid on Abatements and Overpayments of Taxes. (Councilor O'Connell)
12. (2012-A114) ORDER, Authorize Application of Interest Earnings to Reserve Funds. (Councilor Doughty)
13. (2012-A115) ORDER, Authorize Set Offs Against Unpaid Taxes. (Councilor Verow)
14. (2012-A116) ORDER, Grant Approval to Fraternal Order of Eagles #3177 to Allow Patrons to Consume Alcohol at Special Outdoor Events on the Organization's Property. (Councilor Doughty)
15. (2012-A117) ORDER, Grant Approval to R M B & G d/b/a Brewster's Fine Food & Drink to Allow Patrons to Consume Alcohol at a Special Outdoor Event on the Establishment's Property. (Councilor Verow)
16. (2012-A118) ORDER, Grant Approval to Delano G. Merritt d/b/a Cap's Tavern to Allow Patrons to Consume Alcohol at a Special Outdoor Event on the Establishment's Property. (Councilor Ferris)
17. (2012-A119) ORDER, Grant Approval to CTK, Inc. d/b/a City Side Restaurant/Jester's Food & Spirits to Allow Patrons to Consume Alcohol at Special Outdoor Event on the Establishment's Property. (Councilor O'Connell)
18. (2012-A120) ORDER, Commit Water Assessment to Treasurer for Collection. (Councilor Verow)
19. (2012-A121) ORDER, Commit Sewer Assessment to Treasurer for Collection. (Councilor Ferris)
20. (2012-A122) ORDER, Accept Funds in a Forfeiture Resulting From a Recent Court Case that the Brewer Police Made a Substantial Contribution in the Successful Prosecution of. (Councilor Doughty)
21. (2012-A123) ORDER, Award Contracts for Landscaping Services and Masonry Wall Construction Services for the Riverwalk Park (Former Mersinger Lot). (Councilor O'Connell)
22. (2012-A124) ORDER, Declare Property Surplus, Authorize its Transfer To SBR Real Estate Holdings, LLC and Authorize The Transfer of the Option with Maine Liquid Methane Fuels, LLC to SBR Real Estate Holdings, LLC. (Councilor Doughty)

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23. (2012-A125) ORDER, Award Contract for State Street to Parker Street Sewer Replacement and Hardy Street Pump Station Combined Sewer Overflow Modification Projects. (Councilor Ferris)
24. (2012-A126) ORDER, Accept Donation to the Brewer Environmental Services Department. (Councilor Doughty)
25. (2012-A127) ORDER, Authorize Transfer of Excess Pay as You Throw Bag Revenue to the PERC Contract Expiration Reserve. (Councilor Verow)
26. (2012-A128) ORDER, Authorize City Manager, or His Designee, to Negotiate and Sign Contract with Bangor Gas for Service to the Water Pollution Control Facility. (Councilor O'Connell)
27. (2012-A129) ORDER, Authorize Contract with Woodard and Curran for Engineering and Construction Administration Services. (Councilor Verow)
28. (2012-A130) ORDER, Issue Release Deed to Keith C. Drisko, 4 Derusha Lane. (Councilor Doughty)
29. (2012-A131) ORDER, Declare Brewer Police Department Patrol Vehicle Surplus Property and Authorize the City Manager, or His Designee, to Dispose of this Surplus Property. (Councilor O'Connell)
30. (2012-A132) ORDER, Declare Property Surplus and Authorize Its Disposal. (Councilor Ferris)
31. (2012-A133) ORDER, Authorize City Manager, or His Designee, to Sign an Easement for a Natural Gas Line Installation on the City Hall Property. (Councilor Verow)
32. (2012-A134) ORDER, Accept Funds in a Forfeiture Resulting From a Recent Court Case that the Brewer Police Made a Substantial Contribution in the Successful Prosecution of. (Councilor Doughty)

D. Monthly Reports. (Councilor Verow)

E. Nominations, Appointments, Elections. (no items)

F. Unfinished Business. (no items)

G. New Business.

1. (2012-C010) Amend Land Use Code, Chapter 24, Article 3 Zoning Districts, Section 307.1, Schedule of Dimensional Requirements, Item 4 Minimum Depth Frontage (feet) and Article 4 Performance Standards, Section 436 Yards and Setbacks, Sections 436.1 Through 436.6. (Councilor Verow)
2. (2012-C011) Amend Chapter 28 "The Brewer Sign Ordinance" of the Charter, Codes and Ordinances of the City of Brewer by Complete Substitution of the Chapter. (Councilor Verow)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of May 1, 2012 Regular Meeting.

ACTION: Councilor Verow moved that the minutes be accepted and placed on file. The motion was seconded and passed by unanimous vote.

B. Awards, Petitions and Public Comments.

2012-B024

June 5, 2012

TITLE: RESOLVE, RECOGNIZE MICHAEL VIENS FOR EARNING THE RANK OF EAGLE SCOUT.

filed May 30, 2012
by Kevin O'Connell

WHEREAS, Michael Viens, a member of Boy Scout Troop 17, recently completed all of the requirements to earn the rank of Eagle Scout, the Boy Scouts of America's highest award; and

WHEREAS, at a Boy Scouts of America Court of Honor held on Sunday, June 3, 2012, Michael Viens was officially awarded the rank of Eagle Scout; and

WHEREAS, as part of the required Service Project for the Eagle Scout Award, Michael coordinated and oversaw the design, construction and placement of a multi-functional kitchen island for the Amazing Grace Fellowship Mobile Church; and

WHEREAS, it is the sense of the Brewer City Council that being the first Eagle Scout from Troop 17 is a great achievement;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith extends its congratulations to Michael Viens for earning the rank of Eagle Scout and recognizes and appreciates his outstanding community project.

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

Councilor O'Connell read the resolve into the record.

Councilor O'Connell presented Michael with a framed attested copy of the resolve.

The resolve was adopted by unanimous vote.

2012-B025

June 5, 2012

TITLE: RESOLVE, RECOGNIZE NATHALIE PERRY FOR HER 31 YEARS
OF SERVICE TO THE CITY OF BREWER.

filed May 30, 2012
by Jerry Goss, Kevin O'Connell,
Joseph Ferris, Arthur Verow and
Larry T. Doughty

WHEREAS, June 1, 2012 marked the 31st anniversary of Nathalie B. Perry's service as an employee and official of the City of Brewer, Maine; and

WHEREAS, Nat Perry has served the citizens of Brewer in a competent and efficient manner as Director of Human Services and Health Officer for over 20 years as well as having served in various departments of the City such as: the Tax Office, Assessing, City Clerk's Office, Cemetery Records before that; and

WHEREAS, Nat Perry has proven to be a reliable and conscientious public employee providing valuable assistance to both the public and her fellow employees always in a courteous and helpful manner; and

WHEREAS, Nat Perry will retire from the City of Brewer on July 1, 2012 and her last official working day will be June 15, 2012;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer herewith recognizes and commends Nathalie B. Perry for her 31 Years of outstanding and dedicated service to the Citizens of the City of Brewer as a most trusted and valuable employee of the City of Brewer and wish her the best in her retirement.

ACTION: Chairman Goss moved that the resolve be adopted. The motion was seconded and passed.

Chairman Goss read the resolve into the record.

The City Council members presented Nat with a commendation plaque and an attested copy of the resolve.

The resolve was adopted by unanimous vote.

2012-B026

June 5, 2012

TITLE: RESOLVE, COMMEND TIM HACKETT, CAPTAIN ROBBIE WILDES
AND FIREFIGHTER KEVIN PELOTTE FOR THEIR
LIFESAVING ACTIONS ON MARCH 10, 2012.

filed May 30, 2012
by Kevin O'Connell

WHEREAS, on March 10, 2012 Captain Wildes and Firefighter Pelotte were dispatched to Jeff's Catering due to a patient having difficulty breathing and chest pain; and

WHEREAS, as they pulled into the scene the call quickly progressed to a cardiac arrest response; and

WHEREAS, on arrival they found that Tim Hackett, a citizen on scene, was performing CPR on the patient; and

WHEREAS, as Mr. Hackett continued the CPR while Captain Wildes and Firefighter Pelotte shocked the patient with an AED which restored the patient's pulse; and

WHEREAS, the patient was transported to the hospital where he fully recovered;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of Brewer, herewith recognize and commend Tim Hackett, Captain Robbie Wildes and Firefighter Kevin Pelotte for their extraordinary efforts to save the life of their patient on March 10, 2012 in the City of Brewer, Maine.

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

Councilor O'Connell read the resolve into the record.

Councilor O'Connell presented each recipient with an attested copy of the resolve.

The resolve was adopted by unanimous vote.

2012-B027

June 5, 2012

TITLE: RESOLVE, RECOGNIZE VOLUNTEERS AND LOCAL BUSINESSES
FOR THEIR CONTRIBUTIONS TO THE SUCCESSFUL
CITY OF BREWER STREAMSIDE CLEANUP PROGRAM.

filed May 30, 2012
by Kevin O'Connell

WHEREAS, the City of Brewer held its 8th Annual Stream Cleanup Event on May 12, 2012; and

WHEREAS, the City's Stream Cleanup Committee, with the help of 220 volunteers from all over the state, conducted a very successful stream cleanup program resulting in over 3 tons of trash being collected and disposed at PERC and recycled at the Brewer landfill; and

WHEREAS, the stream cleanup program was completed at no cost to the Brewer taxpayers as result of donations of valuable time, supplies from the committee, and local businesses and volunteers;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council herewith recognizes and commends the Stream Cleanup Committee, the volunteers and all the local businesses that contributed to the phenomenal success of the 2012 stream cleanup program a list of which is attached and made part of this resolve.

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded and passed.

Councilor O'Connell read the resolve into the record.

Director of Environmental Services Ken Locke said that over 1800 volunteers have collected over 4500 tons of trash over the years,

The resolve was adopted by unanimous vote.

PUBLIC COMMENTS.

Chad Walton, Snap Space Solutions spoke about his business where he has been dealing with an issue. The issue on his mind is the assessed value. Says he has applied for abatements and one has been denied and another has been pushed aside. He wants the true assessed value to be used.

City Solicitor Joel Dearborn and City Assessor Mary Lynne Hunter will meet and speak about the hearing procedures.

C. Consent Calendar.

ACTION: Councilor Doughty removed resolves 2012- B028, B029, B030, B031, B032, B033 and orders 2012-A123, A124, A125, A126, A128, and A132 from the Consent Calendar.. Councilor Ferris removed order 2012-A127.

Councilor Verow moved that the remaining orders on the consent calendar have passage. The motion was seconded and passed by unanimous vote.

2012-B028

June 5, 2012

TITLE: RESOLVE, APPROVE SCHOOL BUDGET APPROPRIATION FOR FISCAL YEAR 2013.

filed May 30, 2012
by Arthur Verow

BE IT RESOLVED, that the following school budget articles be adopted and approved for fiscal year 2012-2013:

1. That **\$7,998,284** be authorized to be expended for Regular Instruction.
2. That **\$2,652,977** be authorized to be expended for Special Education.
3. That **\$145,510** be authorized to be expended for Career and Technical Education.
4. That **\$859,884** be authorized to be expended for Other Instruction.
5. That **\$1,291,981** be authorized to be expended for Student and Staff Support.
6. That **\$573,632** be authorized to be expended for System Administration.
7. That **\$910,570** be authorized to be expended for School Administration.
8. That **\$468,471** be authorized to be expended for Transportation and Buses.

9. That **\$1,733,927** be authorized to be expended for Facilities Maintenance.
10. That **\$3,348,277** be authorized to be expended for Debt Service and Other Commitments.
11. That **\$5,965** be authorized to be expended for All Other Expenditures.; and

BE IT FURTHER RESOLVED, that **\$14,937,723** be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that **\$5,674,451** be raised as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, M.R.S.A. Section 15688; and

Explanation: The school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

BE IT FURTHER RESOLVED, that **\$420,173** be raised and appropriated for the annual payments on debt service previously approved by the municipality's legislative body for non-state-funded school construction projects, or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the municipality's contribution to the total cost of funding public education from kindergarten to grade 12; and

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

BE IT FURTHER RESOLVED, that the school committee be authorized to expend **\$19,989,478** for the fiscal year beginning July 1, 2012 and ending June 30, 2013 from the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools; and

BE IT FURTHER RESOLVED, that the school committee be authorized to accept and expend any and all categories of funds as provided by the Maine State Legislature or the United States Congress (Examples of some of these funds and estimated amounts based on funds received last year are listed below)

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<u>Category</u>	<u>Estimated Amounts</u>
Title IA	290,000
Title IIA	85,000
Local Entitlement	350,000
School Lunch Subsidy	190,000
State Agency Clients	10,000

BE IT FURTHER RESOLVED, that the Regional Vocational Budget as approved by the Cooperative Board for the year July 1, 2012 to June 30, 2013 be approved in the amount of **\$142,526**; and

BE IT FURTHER RESOLVED, that the City will appropriate **\$2,590** for adult education at the United Technologies Center and raise **\$2,590** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

ACTION: Councilor Verow moved that the resolve be adopted. The motion was seconded.

Councilor Doughty informed the City Council that he would not support a mil rate increase and was therefore not going to support any resolve regarding the budget.

The resolve was adopted by 4 to 1 vote, Councilor Doughty voting against.

2012-B029

June 5, 2012

TITLE: RESOLVE, APPROVE CITY AND SCHOOL BUDGETS APPROPRIATION FOR FISCAL YEAR 2013.

filed May 30, 2012
by Joseph Ferris

RESOLVED, that the sum of \$14,684,148 which sum constitutes the estimated requirements of the City for the fiscal year 2013 (commencing July 1, 2012 and terminating June 30, 2013) based upon the budget submitted by the City Manager as provided by the City Charter, be raised by assessments upon the estates of the Inhabitants of the City of Brewer and upon the estates of the non-resident proprietors within the City for the present municipal year and the sum is hereby appropriated, in addition sums otherwise provided, the amount for each purpose being specified in the schedule hereto attached:

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ACTION: Councilor Ferris moved that the resolve be adopted. The motion was seconded and passed.

Councilor Doughty informed the City Council that he would not support a mil rate increase and was therefore not going to support any resolve regarding the budget.

Councilor Verow said he was disappointed in the tax rate increase but would agree to it.

Councilor Ferris also stated he was disappointed.

Councilor O'Connell stated he was in favor of the budget.

Chairman Goss also stated he was in favor of the budget.

The resolve was adopted by 4 to 1 vote, Councilor Doughty voting against.

2012-B030

June 5, 2012

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL
OPERATING BUDGET.

filed May 30, 2012
by Kevin O'Connell

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget, as approved by the cooperative board, for the year July 1, 2012 – June 30, 2013 in the amount of \$2,423,955.

NOTE: *The budget for 2011-2012 was \$2,404,045.*

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded.

The resolve was adopted by 4 to 1 vote, Councilor Doughty voting against.

Brewer City Council
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2012-B031

June 5, 2012

TITLE: RESOLVE, APPROVE REGIONAL VOCATIONAL HIGH SCHOOL
BUDGET ON ADULT EDUCATION.

filed May 30, 2012
by Larry T. Doughty

RESOLVED, that the Brewer City Council herewith approves the regional vocational high school budget for adult education, as approved by the cooperative board, in the amount of \$228,289 for the year July 1, 2012 – June 30, 2013.

NOTE: *The budget for 2011-2012 was \$202,289.*

ACTION: Councilor Doughty moved that the resolve be adopted. The motion was seconded.

The resolve was adopted by 4 to 1 vote, Councilor Doughty voting against.

2012-B032

June 5, 2012

TITLE: RESOLVE, APPROVE WATER POLLUTION CONTROL FACILITY
BUDGET FOR FISCAL YEAR 2013.

filed May 30, 2012
by Arthur Verow

RESOLVED, that the City Council herewith approves the Brewer Water Pollution Control Facility budget for City Fiscal Year of July 1, 2012 through June 30, 2013, as follows:

Total Cash Operating Expenses	\$ 1,586,160
Total Debt Service	\$ 1,083,294
Total Depreciation	\$ 699,000
Total Other Non-Operating Expenses	\$ -0-
SUBTOTAL	\$ 3,368,454
Total Capital Improvements	\$ 225,000
GRAND TOTAL EXPENDITURES	\$ 3,593,454
Total Operational Revenues	\$ 2,641,636
Total Use of Retained Earnings	\$ 699,000
Other non operational Revenue	\$ 27,818
SUBTOTAL	\$ 3,368,454
Total Capital Funding	\$ 225,000
GRAND TOTAL REVENUES	\$ 3,593,454

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ACTION: Councilor Verow moved that the resolve be adopted. The motion was seconded.

The resolve was adopted by 3 to 2 vote, Councilors Doughty and Verow voting against.

2012-B033

June 5, 2012

TITLE: RESOLVE, APPROVE WATER DEPARTMENT BUDGET FOR FISCAL YEAR 2013.

filed May 30, 2012
by Joseph Ferris

RESOLVED, that the City Council herewith approves the Water Department budget, as presented, for the City's Water System for the Fiscal Year of July 1, 2012 through June 30, 2013 as follows:

Total Cash Operating Expenses	\$ 1,310,039
Total Debt Service	\$ 1,123,005
Total Depreciation	\$ 0
Total Other Non-Operating Expenses	\$ <u>33,054</u>
SUBTOTAL	\$ 2,466,098
Total Capital Improvements	\$ <u>300,900</u>
GRAND TOTAL EXPENDITURES	\$ 2,766,998
Total Operational Revenues	\$ 2,466,098
Total Use of Retained Earnings	\$ 0
Other non operational Revenue	\$ <u>0</u>
SUBTOTAL	\$ 2,466,098
Total Capital Funding	\$ <u>300,900</u>
GRAND TOTAL REVENUES	\$ 2,766,998

ACTION: Councilor Ferris moved that the resolve be adopted. The motion was seconded.

The resolve was adopted by 4 to 1 vote, Councilor Doughty voting against.

2012-A109

June 5, 2012

TITLE: ORDER, AUTHORIZE THE BREWER SCHOOL DEPARTMENT
TO EXPEND SUCH OTHER FUNDS THAT MAY BE
RECEIVED FROM FEDERAL OR STATE GRANTS OR
PROGRAMS.

filed May 30, 2012
by Kevin O'Connell

ORDERED, that the City Council authorizes the Brewer School Department to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes provided such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

2012-A110

June 5, 2012

TITLE: ORDER, SET TAX DUE DATE AND INTEREST RATE.

filed May 30, 2012
by Larry T. Doughty

ORDERED, that taxes for the municipal year commencing July 1, 2012 and which shall expire on June 30, 2013 are due and payable semi-annually on the following dates:

A. 1/2 of total taxes due
and payable on or before September 11, 2012

and if the same are not paid on or before September 11, 2012 they shall bear interest at the rate of 7.0% per annum from September 12, 2012 until paid.

B. 1/2 of the total taxes due
and payable on or before March 12, 2013

and if the same are not paid on or before March 12, 2013 they shall bear interest at the rate of 7.0% per annum from March 13, 2013 until paid.

2012-A111

June 5, 2012

TITLE: ORDER, ACCEPT ADVANCE PAYMENTS ON FY2014 TAXES.

filed May 30, 2012
by Arthur Verow

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ORDERED, that the Brewer Tax Collector and Treasurer be permitted to accept payments in advance when offered at 0% interest, to be applied to FY2014 taxes which have not been committed or billed.

BACKGROUND: In accordance with Title 36 MRSA §506-A, Municipalities should vote each year on the acceptance of advance payments.

2012-A112

June 5, 2012

TITLE: ORDER, SET FY2013 INTEREST RATE FOR LATE PAYMENT OF SEWER BILLS.

filed May 30, 2012
by Joseph Ferris

ORDERED, that in accordance with City of Brewer Charter, Codes and Ordinance, Chapter 31, Section 1208, the interest rate on unpaid sewer bills is set at seven percent per annum (7.0%) for Fiscal Year 2013.

2012-A113

June 5, 2012

TITLE: ORDER, SET INTEREST RATE PAID ON ABATEMENTS AND OVERPAYMENTS OF TAXES.

filed May 30, 2012
by Kevin O'Connell

ORDERED, that pursuant to Title 36 MRSA §506-A, interest on previously paid taxes that are abated, or which have been overpaid, for Fiscal Year 2013 shall be paid at the rate of three percent (3.0%) per annum from the date of payment by the taxpayer to the date of abatement or refund by the City.

2012-A114

June 5, 2012

TITLE: ORDER, AUTHORIZE APPLICATION OF INTEREST EARNINGS TO RESERVE FUNDS.

filed May 30, 2012
by Larry T. Doughty

WHEREAS, in keeping with the PUC regulations, the City maintains several dedicated reserve accounts for the Water fund, including a Standpipe Maintenance and Repair Reserve and USDA Debt Service Sinking Fund Reserve; and

WHEREAS, these reserve funds earn their own interest but this interest has not be taken into account when determining the level of reserve account funding each year;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the appropriation and expenditure of FY2013 interest earnings to supplement the regular annual funding of these reserve accounts.

NOTE: This is an annual order.

2012-A115

June 5, 2012

TITLE: ORDER, AUTHORIZE SET OFFS AGAINST UNPAID TAXES.

filed May 30, 2012
by Arthur Verow

WHEREAS, Title 36, Section 905, M.R.S.A. requires the governing body to specifically authorize the Treasurer and other disbursing officers to withhold payment of any money due a taxpayer whose taxes are due and wholly or partially unpaid;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the Finance Director/Treasurer and Deputy Finance Director to withhold monies, excluding the payroll check of any employee, due and payable by the City of Brewer to any taxpayer to an amount not in excess of the unpaid taxes together with interest and costs.

NOTE: This is an annual order.

2012-A116

June 5, 2012

TITLE: ORDER, GRANT APPROVAL TO FRATERNAL ORDER OF EAGLES #3177 TO ALLOW PATRONS TO CONSUME ALCOHOL AT SPECIAL OUTDOOR EVENTS ON THE ORGANIZATION'S PROPERTY.

filed May 30, 2012
by Larry T. Doughty

WHEREAS, The Fraternal Order of Eagles #3177, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 22 Atlantic Avenue; and

WHEREAS, The Fraternal Order of Eagles #3177 has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 22 Atlantic Avenue on Saturday, July 21 2012 for an Antique Car Show from 2:00 p.m. to 11:00 p.m. with a live band and on Saturday, August 18, 2012 for a street dance with a live band from 5:00 p.m. to 11:59 p.m.; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of The Fraternal Order of Eagles #3177 to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of The Fraternal Order of Eagles #3177 to consume alcohol in an outdoor area at 22 Atlantic Avenue under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, That the Brewer City Council herewith approves The Fraternal Order of Eagles #3177 request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 22 Atlantic Avenue on Saturday, July 21, 2012 for an Antique Car Show with a live band from 2:00 p.m. to 11:00 p.m. and on Saturday, August 18, 2012 from 5:00 p.m. to 11:59 p.m. for a street dance; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

2012-A117

June 5, 2012

TITLE: ORDER, GRANT APPROVAL TO R M B & G INC. D/B/A
BREWSTER'S FINE FOOD & DRINK TO ALLOW PATRONS
TO CONSUME ALCOHOL AT A SPECIAL EVENT ON THE
ESTABLISHMENT'S PROPERTY.

filed May 30, 2012
by Arthur Verow

WHEREAS, R M B & G Inc. d/b/a Brewster's Fine Food and Drink, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 359 Wilson Street; and

WHEREAS, Brewster's Fine Food and Drink has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 359 Wilson Street on Saturday, July 21, 2012 for Brewster's 15th Anniversary Party from 4:00 p.m. to 11:59 p.m.; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Brewster's Fine Food and Drink to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of Brewster's Fine Food and Drink to consume alcohol in an outdoor area at 359 Wilson Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, That the Brewer City Council herewith approves R M B & G Inc. d/b/a Brewster's Fine Food and Drink request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 359 Wilson Street from 4:00 p.m. to 11:59 p.m. Saturday, July 21, 2012; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

2012-A118

June 5, 2012

TITLE: ORDER, GRANT APPROVAL TO DELANO G. MERRITT D/B/ A
CAP'S TAVERN TO ALLOW PATRONS TO CONSUME
ALCOHOL AT A SPECIAL EVENT ON THE
ESTABLISHMENT'S PROPERTY.

filed May 30, 2012
by Joseph Ferris

WHEREAS, Delano G. Merritt d/b/a Cap's Tavern, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 494 South Main Street; and

WHEREAS, Cap's Tavern has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 494 South Main Street on Sunday, July 8, 2012 for Relay of Life Cancer Fundraiser from 12:00 noon to 10:00 p.m.; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of Cap's Tavern to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of Cap's Tavern to consume alcohol in an outdoor area at 494 South Main Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

Brewer City Council
June 5, 2012

NOW, THEREFORE, BE IT ORDERED, That the Brewer City Council herewith approves Delano G. Merritt d/b/a Cap's Tavern's request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 494 South Main Street from 12:00 noon to 10:00 p.m. Sunday, July 8, 2012; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

2012-A119

June 5, 2012

TITLE: ORDER, GRANT APPROVAL TO CTK, INC. D/B/A CITY SIDE RESTAURANT/JESTER'S FOOD & SPIRITS TO ALLOW PATRONS TO CONSUME ALCOHOL AT A SPECIAL EVENT ON THE ESTABLISHMENT'S PROPERTY.

filed May 30, 2012
by Kevin O'Connell

WHEREAS, CTK, Inc. d/b/a City Side Restaurant/Jester's Food & Spirits, is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 393 North Main Street; and

WHEREAS, City Side Restaurant/Jester's Food & Spirits has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 393 North Main Street on Saturday, October 13, 2012 (October 20, 2012 rain date) for Jester's 6th Annual street dance from 2:00 p.m. to 11:59 p.m.; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of City Side Restaurant/Jester's Food & Spirits to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of City Side Restaurant/Jester's Food & Spirits to consume alcohol in an outdoor area at 393 North Main Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, That the Brewer City Council herewith approves CTK, Inc. d/b/a City Side Restaurant/Jester's Food & Spirit's request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 393 North Main Street from 2:00 p.m. to 11:59 p.m. Saturday, October 13, 2012 (October 20, 2012 rain date); and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

Brewer City Council
June 5, 2012

2012-A120

June 5, 2012

TITLE: ORDER, COMMIT WATER ASSESSMENT TO TREASURER
FOR COLLECTION.

filed May 30, 2012
by Arthur Verow

WHEREAS, under Chapter 40 of the Water Department Ordinance of the City of Brewer, a water charge is assessed to water users;

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$598,594.43** at the established rate, as provided by Maine Law and as such sections may be amended from time to time; and

FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
June 2012	\$592,427.14	
March 2012	\$ 2,179.53	
April 2012	\$ 1,575.12	
May 2012	\$ 2,412.64	
Total	\$598,594.43	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$598,594.43** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on file in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

2012-A121

June 5, 2012

TITLE: ORDER, COMMIT SEWER ASSESSMENT TO TREASURER
FOR COLLECTION.

filed May 30, 2012
by Joseph Ferris

Brewer City Council
June 5, 2012

WHEREAS, under Chapter 31 of the Sewer and Pre-treatment Ordinance of the City of Brewer, a sewer charge is assessed to sewer users;

NOW, THEREFORE WE, the Brewer City Council does hereby commit to the Treasurer or Deputy Treasurer of Brewer for collection, the sum of **\$499,645.48** at the established rate, as provided by Title 30A M.R.S.A. § 3406 and Title 38 M.R.S.A. § 1208 and as such sections may be amended from time to time; and

FURTHER, IT IS ORDERED, that said charges are due and payable on the date of this commitment; and

EVENT	COMMITMENT	COMMENTS
June 2012	\$515,402.09	
March 2012	\$-18,760.70	
April 2012	\$368.01	
May 2012	\$2636.08	
Total	\$499,645.48	

FURTHER, IT IS ORDERED, that a detailed commitment of the **\$499,645.48** is on file in the City Clerk's office and incorporated into this order; and

FURTHER, IT IS ORDERED, that a majority of the City Council shall sign the detailed commitment on filed in the City Clerk's office; and

FURTHER, IT IS ORDERED, that the City Clerk shall deliver the signed commitment to the City Treasurer, as agent for the City Council.

2012-A122

June 5, 2012

TITLE: ORDER, ACCEPT FUNDS IN A FORFEITURE RESULTING FROM
A RECENT COURT CASE THAT THE BREWER POLICE
MADE A SUBSTANTIAL CONTRIBUTION IN THE
SUCCESSFUL PROSECUTION OF.

filed May 30, 2012
by Larry T. Doughty

WHEREAS, as a result of a criminal investigation conducted by a member of the Brewer Police Department a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this sum of money was offered to the City in recognition of the valuable assistance of the Brewer Police Department in the successful completion of the investigation; and

WHEREAS, under Maine Law, Title 15 M.R.S.A., § 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money forfeited as a result of the recent criminal investigation cited:

Case Reference Number	Sum
CR 2012-1144 Justin R. Burgess	\$5,700.00

AND, FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

FURTHER ORDERED, that these funds be deposited into the State Asset Forfeiture Receipt Account 0200101-320000 and that expenditures are authorized be expended from the Asset Forfeiture Reserve Fund 2001.

2012-A123

June 5, 2012

TITLE: ORDER, AWARD CONTRACTS FOR LANDSCAPING SERVICES AND MASONRY WALL CONSTRUCTION SERVICES FOR THE RIVERWALK PARK (FORMER MERSINGER LOT).

filed May 30, 2012
by Kevin O'Connell

WHEREAS, Council previously considered options for landscaping improvements to the newly constructed parking lot on the former Mersinger lot and selected an alternative that included the construction of a curved masonry wall and assorted landscaping improvements; and

WHEREAS, the City has previously engaged Landscape Architect Steven W. Ribble, dba Context By Design, to prepare final plans and specifications (dated April 12, 2012) for the design of the masonry wall and associated Landscaping Improvements; and

WHEREAS, the City Engineer has solicited and received proposals for the installation of Landscaping Improvements and the construction of the masonry wall as depicted on said plans;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to issue a purchase order to Atlantic Landscape Construction of Ellsworth (the low bidder) in the amount of \$16, 567.65 for the completion of Landscaping Services for the so-called Riverwalk Park as depicted on the Plans referenced above; and

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to issue a purchase order to S & S Masonry of Holden, Maine (the low bidder) in the amount of \$38,500.00 for the construction of a curved masonry wall as depicted on the plans referenced above; and

BE IT FURTHER ORDERED, that the costs of the work authorized herein shall be charged to 0600057-560030-57008 (Mersinger Lot Construction) to be funded with \$50,000 in TIF proceeds approved as part of the FY2012 CIP.

ACTION: Councilor O'Connell moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

2012-A124

June 5, 2012

TITLE: ORDER, DECLARE PROPERTY SURPLUS, AUTHORIZE ITS TRANSFER TO SBR REAL ESTATE HOLDINGS, LLC AND AUTHORIZE THE TRANSFER OF THE OPTION WITH MAINE LIQUID METHANE FUELS, LLC TO SBR REAL ESTATE HOLDINGS, LLC.

filed May 30, 2012
by Larry T. Doughty

WHEREAS, the City owns property on Elm Street, hereinafter referred to as the "property"; and

WHEREAS, a portion of the property is under Option to Maine Liquid Methane Fuels, LLC, hereinafter referred to as "MLMF"; and

WHEREAS, the City wants to convey a portion of the property including the property covered by the MLMF Option and easement to SBR Real Estate Holdings, LLC, and

WHEREAS, the property and easement to be conveyed is more fully described is the Municipal Quitclaim Deed attached hereto and made a part hereof; and

WHEREAS, the City Council believes the property and easement to be conveyed to be surplus property within the meaning of the City's Charter and Ordinances; and

WHEREAS, the City's rights and obligations under the MLMF Options need to be assigned to SBR Real Estate Holdings, LLC with the conveyance of the property and easement to it;

NOW THEREFORE, BE IT ORDERED, the property and easement described in the attached Municipal Quitclaim Deed is hereby declared to be surplus property; and

FURTHER, BE IT ORDERED, that the City Manager, Stephen M. Bost, or his designee, is authorized to sign the attached Municipal Quitclaim Deed, and any other documents to transfer title to SBR Real Estate Holdings, LLC; and

FURTHER, BE IT ORDERED, that the City Manager, Stephen M. Bost, or his designee, is authorized to sign any and all documents and to take any and all actions to transfer the City's interest to the MLMF Option, as amended, SBR Real Estate Holdings, LLC.

ACTION: Councilor Doughty moved that the order have passage. The motion was seconded.

Councilor Doughty asked for someone to explain this project.

Development Director D'arcy Main-Boyington said two things were happening. One, an option agreement to the purchase the lot in the new business park and second is to transfer the option SBR not the City.

The order was passed by unanimous vote.

2012-A125

June 5, 2012

TITLE: ORDER, AWARD CONTRACT FOR STATE STREET TO PARKER STREET SEWER REPLACEMENT AND HARDY STREET PUMP STATION COMBINED SEWER OVERFLOW MODIFICATION PROJECTS.

filed May 30, 2012
by Joseph Ferris

WHEREAS, request for bids were solicited from contractors for completion of the State Street to Parker Street sewer replacement and Hardy Street Pump Station Combined Sewer Overflow Modification projects; and

WHEREAS, bids were submitted, opened on May 7, 2012, and reviewed by the City's Director of Environmental Services and the City's project engineer Mr. William Olver P.E., President of Olver Associates; and

WHEREAS, the Director of Environmental Services and project engineer William Olver P.E. recommend s the contract for State Street to Parker Street Sewer Replacement and Hardy Street Pump Station Combined Sewer Overflow Modification projects be awarded to Lou Silver, Inc. of Orono, Maine based on the lowest acceptable bid of \$132,260; and

WHEREAS, these projects will be funded with grant money still available through Rural Development;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to issue a purchase order and sign a contract with Lou Silver, Inc. of Orono for \$132,260 for State Street to Parker Street Sewer Replacement and the Hardy Street Pump Station CSO Modification projects; and

BE IT FURTHER ORDERED, that the cost for this work be charged to account numbers 0680603-560000 (State Street to Parker Street Sewer) and 0680604-560000 (Hardy Street CSO Modifications).

Bids Accepted:

Lou Silver, Inc.- \$132,260

Maine Earth- \$183,250

R.F. Jordon- \$209,470

Hughes Brothers, Inc.- \$224,000

T. Buck Construction- \$227,777

Sargents Corporation- \$245,765

ACTION: Councilor Ferris moved that the order have passage. The motion was seconded.

Councilor Doughty asked Ken Locke to explain the difference between the two bids.

The order was passed by unanimous vote.

2012-A126

June 5, 2012

TITLE: ORDER, ACCEPT DONATION TO THE BREWER
ENVIRONMENTAL SERVICES DEPARTMENT.

filed May 30, 2012
by Larry T. Doughty

WHEREAS, the Brewer Environmental Services Department has received a donation of two field instruments from HACH Company to use in the Felts Brook Water Quality Testing Program; and

WHEREAS, the field instruments perform tests (pH, conductivity, dissolved oxygen and turbidity) that are very important to a water quality testing programs; and

WHEREAS, the total value of the two instruments is \$1,886;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and allows the Environmental Services Department to use the field instruments as an important part of the City's water quality testing program.

NOTE: The Environmental Department Director will send a letter of acknowledgement and appreciation on behalf of the City Council to HACH Company

ACTION: Councilor Doughty moved that the order have passage. The motion was seconded.

Councilor Verow who is HACH Company.

Ken Locke said it is a company who sells wastewater testing equipment out of Illinois.

The order was passed by unanimous vote.

2012-A127

June 5, 2012

TITLE: ORDER, AUTHORIZE TRANSFER OF EXCESS PAY AS YOU
THROW BAG REVENUE TO THE PERC CONTRACT
EXPIRATION RESERVE.

filed May 30, 2012
by Arthur Verow

WHEREAS, in establishing the City of Brewer pay as you throw trash program, the City Council committed to using some of the revenue from the sale of the bags to fund a reserve account to address expected costs associated with the termination of the current PERC contract in 2018; and

WHEREAS, due to newness of the program and uncertainty about the level of bag revenue, the FY2012 budget did not include an appropriation to the reserve account; and

WHEREAS, it appears the City will end the year with bag revenues above budgeted estimates in this account;

NOW, THEREFORE, BE IT ORDERED, that, to the extent the City receives FY2012 bag revenues in excess of the \$245,000 estimated as part of the FY2012 budget, the City Council hereby authorizes the appropriation and expenditure of these excess funds from the PERC Contract Expiration Reserve (0116701-501421) to be funded by the excess bag revenues, if any.

ACTION: Councilor Verow moved that the order have passage. The motion was seconded.

Councilor Verow asked if the dollar amount in the order was a staggering amount of revenue for this project.

Finance Director Karen Fussell mentioned we budgeted \$245,000 to offset the cost of our solid waste budget by that amount. 2018 is the year our trash will increase dramatically from PERC so this revenue will offset that amount in future budgets.

The order was passed by unanimous vote.

2012-A128

June 5, 2012

TITLE: ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND SIGN CONTRACT WITH BANGOR GAS FOR SERVICE TO THE WATER POLLUTION CONTROL FACILITY.

filed May 30, 2012
by Kevin O'Connell

WHEREAS, Bangor Gas is developing plans to extend natural gas service down South Main Street to the vicinity of the Water Pollution Control Facility; and

WHEREAS, heating with natural gas is substantially less expensive than heating with #2 heating fuel, which is the method the WPCF currently uses; and

WHEREAS, the cost of converting the WPCF heating system to natural gas is included in the FY2013 WPCF CIP and will be paid for with anticipated savings in heating costs; and

WHEREAS, Bangor Gas requires users of the size of the WPCF to sign 5 year commitments;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to negotiate the terms and conditions in the best interest of the City and, once approved as to form by the City Solicitor, to execute any and all documents necessary to allow the provision of natural gas service to the City's Water Pollution Control Facility.

ACTION: Councilor O'Connell moved that the order have passage. The motion was seconded.

Councilor Verow asked what are the costs involved for the city.

City Manager Bost said that there is no cost to the city, no cost from Grove Street to Oak Street, 30 accounts are lined up for South Main Street. Cianbro will hook in also.

The order was passed by unanimous vote.

2012-A129

June 5, 2012

TITLE: ORDER, AUTHORIZE CONTRACT WITH WOODARD AND
CURRAN FOR ENGINEERING AND AND
CONSTRUCTION ADMINISTRATION SERVICES.

filed May 30, 2012
by Arthur Verow

WHEREAS, the U.S. Environmental Protection Agency's LT2 rule requires the Brewer Water Department to install and operate secondary treatment for microbial contaminants no later than September 30th 2014; and

WHEREAS, ultraviolet (UV) treatment is a chemical-free, highly effective treatment process for the inactivation of microbial contaminants; and

WHEREAS, UV treatment is considerably less expensive to install and operate than a filtration system; and

WHEREAS, the Water Department's FY2013 CIP and operating budget include funding for the estimated \$1,100,000 in bond financing needed to cover the total cost for the design and construction of the proposed project; and

WHEREAS, the Water Department proposes to use Woodard and Curran to design the project and administer the construction contract since the company has a long standing partnership and thorough understanding of Brewer Water Department's treatment process and systems;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to enter into a contract not to exceed \$155,000 with Woodard and Curran for Design and Construction Administration services for the proposed UV treatment upgrade;

BE IT FURTHER ORDERED, that the costs of these services be charged to account 0571003-573026 (UV Treatment Upgrade) to be funded with a bond to be issued in FY2013 or FY2014 and its associated interim bond anticipation note financing; and

FURTHER ORDERED that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contractor services for this project.

2012-A130

June 5, 2012

TITLE: ORDER, ISSUE RELEASE DEED TO KEITH C. DRISKO,
4 DERUSHA LANE.

filed May 30, 2012
by Larry T. Doughty

ORDERED, that a municipal release deed be issued to Keith E. Drisko, releasing to him all rights, title and interest the City of Brewer may have acquired in the property on 4 Derusha Lane (City Tax Map 22, Lot 3) by virtue of City of Brewer tax or sewer lines recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
11855	344
12169	19
12506	257

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of \$4076.46 in principal was collected, along with \$316.86 in interest and \$94.96 in costs.

2012-A131

June 5, 2012

TITLE: ORDER, DECLARE BREWER POLICE DEPARTMENT PATROL
VEHICLE SURPLUS PROPERTY AND AUTHORIZE THE
CITY MANAGER, OR HIS DESIGNEE, TO DISPOSE OF
THIS SURPLUS PROPERTY.

filed May 30, 2012
by Kevin O'Connell

WHEREAS, the Brewer Police Department has replaced patrol vehicles with use of CIP funds over the past year; and

WHEREAS, these funds were used to purchase a new patrol vehicle replacing a 2007 Ford Crown Victoria police car serial number 2FAFP71WX7X138275; and

WHEREAS, the 2007 Ford Crown Victoria has reached the condition where it no longer serves the Brewer Police Department's needs; and

WHEREAS, the purchase of the new vehicle replaced the 2007 Ford Crown Victoria in the Brewer Police Department's motor vehicle fleet and said 2007 Ford Crown Victoria is now determined to be surplus property and authorize the City Manager, or his designee, to dispose of said vehicle by auction, sale or trade in.

2012-A132

June 5, 2012

TITLE: ORDER, DECLARE PROPERTY SURPLUS AND AUTHORIZE
ITS DISPOSAL.

filed May 30, 2012
by Joseph Ferris

WHEREAS, the City of Brewer has taken ownership of several former school properties;
and

WHEREAS, the City plans to clear the properties of the former Washington, Capri and
State Street Schools; and

WHEREAS, a resident of Brewer has expressed an interest in taking the railroad ties
from the State Street School property; and

WHEREAS, the removal of these items from the property by a third party would reduce
demolition time and effort required by City staff and space needed in the Brewer landfill;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby declares the
railroad ties at the State Street School surplus and authorizes the City Manager, or his designee,
to dispose of these items as is in the best interest of the taxpayers of Brewer.

ACTION: Councilor Ferris moved that the order have passage. The motion was
seconded.

Councilor Verow asked who this is being sold to and what is the revenue?

He was told that this involves the railroad ties at the State Street School.
Former Councilor Mayberry has requested those ties. Not sure of the
financial amount.

The order was passed by unanimous vote.

2012-A133

June 5, 2012

TITLE: ORDER, AUTHORIZE CITY MANAGER, OR HIS DESIGNEE, TO
SIGN AN EASEMENT FOR A NATURAL GAS LINE
INSTALLATION ON THE CITY HALL PROPERTY.

filed May 30, 2012
by Arthur Verow

WHEREAS, Getchell Brothers (Tax Map 29, Lot 124 and Lot 126) has applied for service from Bangor Gas; and

WHEREAS, the City Engineer has reviewed the proposed location of the requested service and recommends that it be granted; and

WHEREAS, the only reasonable means of access to the facilities being serviced is across and in a presumed sewer easement extending from the end of Union Street, said presumed easement assumed to be granted to the City of Brewer;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith authorizes the City Manager, or his designee, to sign an Assent Agreement granting Bangor Gas Company, LLC the right to install a private natural gas service line across and in a portion of the City of Brewer's presumed sewer easement for the purpose of servicing facilities on Tax Map 29, Lot 124 and Lot 126; and

BE IT FURTHER ORDERED, that the final Assent Agreement shall be reviewed and approved by the City Engineer and the City Solicitor prior to execution.

NOTE: We have been unable to verify that a recorded easement exists for this City-owned sewer line which runs across the Getchell Ice lot. We will continue to search for this, but in the meantime, Bangor Gas requires consent from the City to install the gas service to Getchell Ice, on the presumption that an easement exists.

2012-A134

June 5, 2012

TITLE: ORDER, ACCEPT FUNDS IN A FORFEITURE RESULTING FROM
A RECENT COURT CASE THAT THE BREWER POLICE
MADE A SUBSTANTIAL CONTRIBUTION IN THE
SUCCESSFUL PROSECUTION OF.

filed May 30, 2012
by Larry T. Doughty

WHEREAS, as a result of a criminal investigation conducted by a member of the Brewer Police Department a sum of money was seized and forfeited by a defendant involved in the investigation; and

WHEREAS, this sum of money was offered to the City in recognition of the valuable assistance of the Brewer Police Department in the successful completion of the investigation; and

WHEREAS, under Maine Law, Title 15 M.R.S.A., § 5824 (3) the City Council must take a public vote before any forfeited assets or money can be transferred to the City;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith approve the transfer of the following sum of money forfeited as a result of the recent criminal investigation cited:

Case Reference Number	Sum
CE-12-0012 Kailey Smith and Beau Pelletier	\$2,834.64

AND, FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to sign a memorandum to accept these forfeited funds on the behalf of the City of Brewer; and

FURTHER ORDERED, that these funds be deposited into the Federal Asset Forfeiture Receipt Account 0200100-320000 and that expenditures are authorized be expended from the Federal Asset Forfeiture Reserve Fund Account 0200100-520000.

D. Monthly Reports.

ACTION: Councilor Verow moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

E. Nominations, Appointments, Elections.

No items.

F. Unfinished Business.

No items.

G. New Business.

2012-C010

June 5, 2012

TITLE: AMEND LAND USE CODE, CHAPTER 24, ARTICLE 3, ZONING DISTRICTS, SECTION 307.1, SCHEDULE OF DIMENSIONAL REQUIREMENTS, ITEM 4 MINIMUM DEPTH FRONTAGE (FEET) AND ARTICLE 4 PERFORMANCE STANDARDS, SECTION 436 YARDS AND SETBACKS, SECTION 436.1 THROUGH 436.6.

filed May 30, 2012
by Arthur Verow

Be it ordained by the City Council of the City of Brewer in City Council assembled that the Land Use Code, Chapter 24, Article 3, Zoning Districts, Section 307.1, Schedule of Dimensional Requirements, Item 4 Minimum Depth Frontage (feet) and Article 4 Performance Standards, Section 436 Yards and Setbacks, Sections 436.1 through 436.6 be amended as follows:

(see attached pages)

ACTION: Councilor Verow moved that one copy of the proposed ordinance amendment be certified and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

Councilor Verow wants a one page write up to address the ordinance amendment before the next meeting. Code Officer Ben Breadmore will address this request.

2012-C011

June 5, 2012

TITLE: AMEND CHAPTER 28 “THE BREWER SIGN ORDINANCE” OF THE
CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER
BY COMPLETE SUBSTITUTION OF THE CHAPTER.

filed May 30, 2012
by Arthur Verow

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 28 “The Brewer Sign Ordinance” of the Charter, Codes and Ordinances of the City of Brewer be amended by complete substitution of the Chapter:

(Please see attached)

ACTION: Councilor Verow moved that one copy of the proposed ordinance amendment be certified and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

Councilor Verow said the ordinance was 18 pages and too much information to deal with.

H. New Items with Leave of Council.

The following order was introduced under suspension of the rules. The City Clerk polled the council and unanimous consent was obtained to take up this item.

2012-A135

June 5, 2012

TITLE: ORDER, AUTHORIZE APPROPRIATION TO BREWER
REDEVELOPMENT LLC TO SUPPORT REMEDIATION
AND DEMOLITION OF THE FORMER WASHINGTON
STREET SCHOOL BUILDING,

filed June 5, 2012
(under suspension of the rules)
by Joseph Ferris and
Kevin O'Connell

WHEREAS, the City and Brewer Redevelopment LLC (the LLC) have determined that there is no public benefit in maintaining the former Washington Street School building; and

WHEREAS, the City has received an estimate of \$156,700 to remove and dispose of the hazardous materials from the Washington Street School property from Northeast Environmental Services (NES) of Pittsfield, Maine, a company that specializes in hazardous materials assessment, remediation and disposal; and

WHEREAS, once the remediation is complete, the Brewer Public Works Department will demolish the building, sell and/or recycle the materials it can, and dispose of the rest in the Brewer Landfill for an estimated out of pocket cost of less than \$5,000; and

WHEREAS, the City Council wishes to support this project though the allocation of funds to the LLC, who will contract with NES and oversee the work in conjunction with Brewer's City Engineer;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council hereby authorizes the appropriation and grant of \$157,000 from CIP account 0510100-551024 (School Building Remediation and Demolition) to Brewer Redevelopment LLC to support costs associated with the remediation and disposal of hazardous materials from the former Washington Street School site; and

BE IT FURTHER ORDERED, that these funds shall be bond financed and come from \$100,000 approved in the FY2012 CIP for remediation and demolition expenses associated with the former school properties and \$57,000 in future bond funds approved as part of the FY2013 CIP for school remediation and demolition; and

Brewer City Council
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FURTHER ORDERED, that the City Council herewith approves of the demolition of the former Washington Street School and disposal of the material as is in the best interest of the City of Brewer.

ACTION: Councilor Ferris moved that the order have passage. The motion was seconded.

Councilor Verow asked about the \$156,000. It is a lot of money.

He was told that we had \$100,000 in this CIP fund this year, will bond the \$56,000 for FY13 budget. Wants this project done by mid-summer.

The order was passed by unanimous vote.

Mayor Goss said he would accept a motion for adjournment.

ACTION: Councilor Verow moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 7:40 pm.

ADJOURNED, ATTEST: _____ Howard F. Kroll

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine